

EXHIBIT D

*Power Intergrations, Inc. v.
Fairchild Semiconductor International, Inc.*

*Hearing
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ency.

[16] But what happens with this slight [17] variation over time is it spreads out the [18] electromagnetic interference. And, in essence, [19] allows the power supply to pass what the U.S. [20] regulations are.

[21] There is a good way to look at this, [22] and I didn't put it in the slide. But I'll just [23] note for the record, if you look at Figure 2, and [24] you can look at it later, or your clerk can. But

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[1] Figure 2 of the '876 actually shows this graph [2] where you've got what's called the base [3] frequency, which is the target that you want, and [4] there's a peak frequency. And in between is the [5] average, what happens when you sort of vary up [6] and vary down on this point.

[7] So that's really the substance, why [8] this has to be controlled and predetermined, and [9] it just can't wander all over the place. [10] Fairchild has been all over the place on this [11] one, and I'm not sure, in the end, we have that [12] big a dispute.

[13] But I'm also not sure what their [14] construction means, which is why I want to [15] comment on it. Initially, they said uncontrolled [16] variation was fine.

[17] And as I just explained, it's not [18] fine. In fact, it would not accomplish any of [19] the purposes of the invention.

[20] Then they said — they went from [21] small and uncontrolled, which would cover [22] something like noise to intentional modulation. [23] Now, that's good. It definitely has to be [24] intentional, meaning it's controlled or

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[1] predetermined.

[2] But now, it looked to us from the [3] briefing, that they're advocating something [4] slightly different, yet again, which is simply [5] varying the frequency. Jittering is just varying [6] frequency.

[7] So I think we're back — I think [8] their position is back more to the uncontrolled [9] possibility or allowing for the uncontrolled [10] possibility. And if that's true, we think the [11] intrinsic evidence precludes that.

[12] They have — I just wanted to make [13] one other observation here. It's more relevant [14] later.

[15] Frequency jittering appears in the [16] preamble of Claim 1 of the '876. And there's [17] actually a dispute, threshold dispute as to [18] whether it should be a limitation of the claim at [19] all.

[20] We say, yes, because the preamble [21] says digital frequency jittering has to do [22] certain things, and the claim itself refers to [23] how you implement the

digital frequency [24] jittering.

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[1] And on this one, Fairchild says, no, [2] it's really not a limitation. If it is a [3] limitation, all it means is varying.

[4] It's sort of exactly opposite the [5] position that they're taking in the device [6] structure patent. You'll see when we get there.

[7] But in the '075, there the preamble [8] says a high-voltage MOS transistor, and then [9] lists very detailed what the structure of that [10] transistor has to be.

[11] And there Fairchild says it's all [12] about the preamble really. What is a MOS [13] transistor? It's not DMOS. It's really their [14] whole sort of argument on that patent.

[15] So they're on both sides of this [16] preamble position. We think both preambles [17] matter, and they both have to be — have to have [18] some meaning in the context of the claim.

[19] But whatever you do, they should be [20] treated consistently. I can't see any basis for [21] saying the frequency jittering preamble does not [22] matter, but the preamble in the '075 patent does [23] matter.

[24] Let's go on to the next one.

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[1] Coupled.

[2] First of all, let me make clear what [3] is not disputed in the context of coupled. We [4] put up here the claim, Claim 1, and we've put in [5] bold the references to the word coupled, and also [6] have bolded the references to control.

[7] What the coupling in this claim is [8] about is coupling one element to another, so that [9] one element controls another element.

[10] The second — four full bullets [11] down, there the claim language shows that the [12] patent requires the coupling elements to control [13] one another. You've got a DAC, a digital analog [14] convert that controls the oscillator. The [15] oscillator controls the counter. The counter [16] controls the data.

[17] We have never said that they have [18] to. That means could control without anything in [19] between.

[20] There's no disputing that. [21] Fairchild, at one point, said they thought it was [22] our position. It's not.

[23] Coupling is different than [24] connected. We acknowledge that.

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[1] But neither can it just mean as long [2] as one thing is connected to the other in any [3] particular — in any way at all, it's covered. [4] You know, you can look at any of the circuits in [5] the figures of

these patents and start in the [6] upper left-hand corner and probably follow a line [7] to any other element in the circuit you want.

[8] Are they coupled? We don't think [9] so.

[10] I mean, coupled has to mean [11] something substantive. And the definition we've [12] offered focuses on the notion of control, because [13] that's what the claim says.

[14] The DAC has to be coupled to the [15] control input that's controlling the oscillator [16] to vary the frequency. The counter — the [17] counter has to be coupled, also, to the output of [18] the oscillator.

[19] The counter has to cause the digital [20] analog converter to adjust the control input. So [21] really the context of the claim is clear enough.

[22] We don't actually think you need to [23] construe coupled. It's the kind of thing the [24] jury is going to be able to get just really on

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[1] the face of the claim. But if you do construe [2] it, we'd like, as we say in the second to last [3] bullet there, some notion of signals that matter [4] being passed from one coupled element to the [5] other, and not just left to be completely open [6] ended.

[7] Okay. The voltage terms. [8] This is a different claim set of the [9] '876. So these disputes arise in Claim 17, 18 [10] and 19. We put up 17 and 19.

[11] And again, to us, these are sort of [12] plain meaning terms. We don't really think they [13] require construction.

[14] Fairchild disagrees. And that's [15] where the — that's sort of where the dispute [16] arises.

[17] Go to the next one, Michael. [18] Thanks.

[19] The claim refers to a primary [20] voltage, a secondary voltage and secondary [21] voltage sources. The claim doesn't say anything [22] about how the primary voltage is generated.

[23] That's not specified. Okay. [24] Fairchild says, Well, you have to —

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[1] that limitation is — it's either there or it's [2] implied that a primary voltage is produced by [3] what they call a primary voltage source.

[4] So that's sort of the first stake in [5] the ground for their argument here. Then they [6] say, Okay. We know we have to have a primary [7] voltage source.

[8] Now, this is not in the claim. This [9] is their assumption.

[10] And the claim does say secondary [11] voltage sources. Therefore, you have to